

IT IS SO ORDERED.

Dated: 10:29 AM April 02 2010



B-66606

EAB\sbt

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT  
EASTERN DIVISION - AKRON

|                            |   |                           |
|----------------------------|---|---------------------------|
| IN RE:                     | ) | CHAPTER 13                |
|                            | ) |                           |
| ROSALYN DARNELL JONES      | ) | CASE NO. 04-55780         |
| fka ROSLYN DARNELL JOHNSON | ) |                           |
|                            | ) | JUDGE MARILYN SHEA-STONUM |
| Debtor                     | ) |                           |
|                            | ) | PROPERTY ADDRESS:         |
|                            | ) | ** 1029 Bloomfield Avenue |
|                            | ) | Akron, Ohio 44302         |

**STIPULATED ORDER GRANTING DEBTOR'S MOTION TO REINSTATE STAY AND  
GRANTING CONDITIONAL RELIEF FROM STAY TO WACHOVIA BANK, N.A.,  
its successors and assigns**

This matter came on for consideration before this Court upon the Debtor's Motion To Vacate Order Granting Relief from Stay, Reimposing Automatic Stay, and Striking Affidavit relative to WACHOVIA BANK, N.A., its successors and assigns, hereinafter referred to as ("WACHOVIA"), a creditor herein and holder of a mortgage against the real estate of the Debtor herein, Rosalyn Darnell Jones, said property being commonly known as 1029 Bloomfield Avenue, Akron, Ohio 44302, and as more fully described in Exhibit "A" attached hereto and made a part hereof.

The Court finds that the parties have entered into an agreement in settlement of the Motion to Reinstate Stay as more fully set forth herein.

**It is, therefore, the Order of this Court** that the Order granting final relief from stay entered on February 2, 2010, Document #56, be and the same is hereby vacated and the stay with respect to WACHOVIA is hereby reinstated.

**It is further the Order of this Court** that the Debtor shall recommence post-petition payments directly to HOMEQ SERVICING, the current loan servicing agent, beginning with the March 1, 2010 payment, and that said payments shall be sent directly to HOMEQ by the Debtor, using the following address:

**HOMEQ SERVICING  
Attn: Default Cash  
P.O. Box 160101  
Sacramento, CA 95816**

The monthly payment for March 2010 is scheduled at @750.38, and pursuant to the Note and Mortgage, is subject to change due to adjustments in escrow withholding. This payment amount comprises \$591.86 P&I and \$158.52 County taxes. Funds received by the Debtor on January 4, 2010 were applied to the December 2009 payment.

**It is further the Order of this Court** that *prior* to the Entry of this Order, the Debtor shall have tendered certified funds in the amount of \$1,510.48, which sum shall be applied to the post-petition arrearages and late charges which have accrued up to and including February 2010. These arrearages consist of the January and February 2010 post-petition payments each in the amount of \$750.38 and late charges from December 2009 and January 2010 each in the amount of \$29.59, less funds held in suspense of <\$49.46>. Should these funds not be tendered in certified form, and subsequently returned for non-sufficient funding (NSF), shall be considered a default.

**It is further the Order of this Court** that in the event that the Debtor fails to tender post-petition payments as required by this Order which results in a delinquency of thirty (30) days or longer, then the automatic stay which is now barring any proceedings in foreclosure against the Debtor shall automatically be lifted, upon the creditor serving an Affidavit of Default upon the Debtor and her counsel, giving the Debtor ten (10) days to cure the default; upon failure of the Debtor to cure the default, and upon submission of the Affidavit to this Court, and without further hearing, this Court will enter an Order granting final relief from stay.

**It is further the Order of this Court** that the Trustee shall recommence payments to the creditor based on the Proofs of Claim filed in these proceedings.

# # #

SUBMITTED BY:

APPROVED BY:

/s/ Edward A. Bailey  
REIMER, ARNOVITZ, CHERNEK & JEFFREY  
Edward A. Bailey #0068073  
P.O. Box 968  
Twinsburg, Ohio 44087  
330-425-4201  
Fax 330-425-2155  
ebailey@reimerlaw.com  
Attorney for WACHOVIA

/s/ Robert M. Whittington, Jr.  
ELK, ELK, & WHITTINGTON  
Robert M Whittington Jr #0007851  
159 South Main Street  
Suite #1023  
Akron, Ohio 44308  
330-384-8484  
Fax 330-384-8953  
elkwhitt@neo.rr.com  
Attorney for Debtors

/s/ Keith L. Rucinski  
Keith L. Rucinski, Chapter 13 Trustee  
Ohio Req. No. #0063137  
Joseph A. Ferrise, Staff Attorney  
Ohio Req. No. #0084477  
One Cascade Plaza, Suite #2020  
Akron, OH 44308  
330-762-6335  
Fax 330-762-7072  
krucinski@ch13akron.com  
jferrise@ch13akron.com  
Chapter 13 Trustee

OR2271- 695

EXHIBIT A

SITUATED IN THE CITY OF AKRON, COUNTY OF SUMMIT AND STATE OF OHIO:

AS BEING A PART OF LOTS 111 AND 112 IN AN ALLOTMENT MADE FOR SAMUEL BACON OF A PART OF LOT 11, WEST PORTAGE PATH AS NUMBERED AND RECORDED IN SUMMIT COUNTY RECORDS, PLAT BOOK 11, PAGE 1, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE SOUTH LINE OF LOT 112 AND THE NORTH LINE OF BLOOMFIELD AVENUE- 16.70 FEET WEST FROM THE SOUTHEAST CORNER OF SAID LOT; THENCE NORTH PARALLEL TO THE EAST LINE OF SAID LOT, 120 FEET TO A POINT IN THE NORTH LINE OF LOTS 112 AND 111, 33.40 FEET TO A POINT; THENCE SOUTH PARALLEL TO THE FIRST COURSE HEREIN GIVEN 120 FEET TO THE SOUTH LINE OF SAID LOT 111 AND THE NORTH LINE OF BLOOMFIELD AVENUE; THENCE WEST ALONG THE NORTH LINE OF BLOOMFIELD AVENUE AND SOUTH LINE OF SAID LOTS 111 AND 112, 33.40 FEET TO THE PLACE OF BEGINNING.

ADDRESS: 1029 BLOOMFIELD AVE; AKRON, OH TAX MAP OR PARCEL ID NO.:  
68-02721

## **LIST OF PARTIES TO BE SERVED**

To be served electronically via the Court's CM/ECF system to the following who are listed on the Court's Electronic Mail Notice List:

1. Office of the U.S. Trustee
2. Keith Rucinski, Chapter 13 Trustee  
Joseph A. Ferrise, Staff Attorney  
krucinski@ch13akron.com
3. Robert M. Whittington, Jr., Esq., Attorney for Debtor  
elkwhitt@neo.rr.com
4. Edward A. Bailey, Esq., Attorney for WACHOVIA  
bknotice@reimerlaw.com

To be served by mailing the same by ordinary U.S. mail, postage prepaid, to the persons listed below:

4. Rosalyn Darnall Jones, Debtor  
1029 Bloomfield Avenue  
Akron, Ohio 44302
5. County Treasurer  
Summit County Treasurer's Office  
Ohio Building - 175 S. Main Street  
Suite 320  
Akron, Ohio 44308